IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

LA. App. No. 528 of 2004

LAR.449/1999 of PRL. SUB COURT, KOZHIKODE
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APPELLANTS/CLAIMANTS:
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1. **SANTHA W/O. SREEDHARAN, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**
2. **SREEJA, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**
3. **BINDU, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**
4. **SINDHU, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**
5. **BIJU, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**
6. **BEENA, PACHACKAL NERAVATH, CHEVAYUR VILLAGE, KOZHIKODE.**

BY ADV. SRI. T.G. RAJENDRAN

RESPONDENT/RESPONDENT:

THE SPECIAL TAHSILDAR (LA NO.1), KOZHIKODE.

BY GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 528 OF 2004

Dated this the 11th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed by the claimants against the judgment and decree in L.A.R. No. 449/1999 on the file of the Sub Court, Kozhikode.

2. Learned Government Pleader submits that the appeal filed by the State has already been disposed of by remanding the L.A.R. to the reference court and the matter is now posted before that court on 16.10.2007.

In that view of the matter, we do not think it necessary to consider this appeal. Hence, this appeal is also disposed of setting aside the judgment and decree and remitting the matter to the reference court. Parties are at liberty to adduce fresh evidence. Since the appeal is remanded, the appellants are entitled to refund of the court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp